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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: ) Examiner: Turner, Sharon L.

Avi J. ASHKENAZI, et al. ) Art Unit: 1647

Application Serial No. 10/017,191 ) Confirmation No: 6712

Filed: October 24, 2001 ) Attorney's Docket No. 39780-2630 P1C62

For: SECRETED AND  
TRANSMEMBRANE  
POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME ) Customer No. 35489

**DECLARATION OF NAPOLEONE FERRARA, Ph.D., AUDREY GODDARD, Ph.D.,  
PAUL J. GODOWSKI, Ph.D., AUSTIN GURNEY, Ph.D.,  
AND WILLIAM I. WOOD, Ph.D. UNDER 37 C.F.R. §1.131**

**MAIL STOP AMENDMENT**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

We, Napoleone Ferrara, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D., and William I. Wood, Ph.D. declare and say as follows:

- (Handwritten note: Considered 6/28/05)*
1. We are the inventors of the above-identified application.
  2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by Ford *et al.*, U.S. Patent No. 6,392,018, filed February 12, 1999 and issued May 21, 2002.
  3. We conceived and reduced to practice the invention claimed in the above-identified application in the United States prior to February 12, 1999.
  4. At the time the present invention was made, one of the inventors, Napoleone Ferrara, Ph.D., was, as still is, responsible for overseeing the testing of novel polypeptides, including the polypeptide designated PRO320, in endothelial cell proliferation assay (Assay #9, Example 109). This assay is used to find agents that are capable of inhibiting proliferation of endothelial cells.